

NOT FOR PUBLICATION

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

Flora Nicholas and Paul Gayter, in)	
their own right and as next friend)	
of S.G.,)	
)	
Plaintiffs,)	
)	Civ. No. 2001-147
v.)	
)	
Wyndham International Inc., Wyndham)	
Management Corporation, Sugar Bay)	
Club & Resort Corporation, and)	
Bryan Hornby,)	
)	
Defendants.)	
_____)	

ATTORNEYS:

Daryl C. Barnes, Esq.
St. Croix, U.S.V.I.
Joseph Petrosinelli, Esq.
Washington, D.C.
For the plaintiffs,

Douglas C. Beach, Esq.
St. Thomas, U.S.V.I.
*For defendants Wyndham International Inc., Wyndham
Management Corp., and Sugar Bay Club & Resort Corp.,*

John A. Zebedee, Esq.
St. Thomas, U.S.V.I.
For defendant Bryan Hornby.

MEMORANDUM

Gomez, J.

Before the Court is a motion for clarification filed by defendants Wyndham International, Inc. ["Wyndham International"], Wyndham Management Corporation ["WMC"], and Sugar Bay Club and Resort Corporation ["Sugar Bay"] [collectively, "Wyndham defendants"]. For the reasons set forth below, the Wyndham defendants' motion will be denied.

I. ANALYSIS

The Wyndham defendants seek clarification of the Court's April 26, 2005, announcement of certain rulings regarding their motions for summary judgment. The Wyndham defendants request that the Court clarify whether, and as to whom, it granted summary judgment regarding Count IV of the complaint. The Wyndham defendants also request that the Court clarify whether the parent-plaintiffs may recover emotional damages under any count remaining in this case. The Court will address each issue separately.

A. There Is No Need For Clarification As To Count IV

The Wyndham defendants request clarification of the Court's summary judgment rulings as applied to Count IV of the plaintiffs' complaint, claiming that the Court's ruling did not

address defendant Wyndham International, and that it stated contradictory rulings regarding WMC. It appears that the version of the transcript upon which the Wyndham defendants' motion is based contains a typographical error, as the certified copy of the April 26, 2005, hearing transcript on file with the Clerk of the Court states as follows:

The motion of Defendants Wyndham Management and Sugar Bay for summary judgment on Count 4, that is negligent supervision, is denied. The motion of Wyndham International and Rik Blyth for summary judgment on Count 4, that is negligent supervision, is granted.

(April 26, 2005 Hearing Tr. at 38.) As the official record shows, the Court did not issue contradictory rulings regarding WMC and in fact granted Wyndham International's motion for summary judgment as it applied to Count IV. Thus, there is no need to clarify the Court's ruling in regards to Count IV.

B. The Court's Ruling on the Parent-Plaintiffs' Claims In Count VIII Does Not Warrant Further Clarification

The Wyndham defendants seek clarification on the effect of the Court's granting of their motions for summary judgment as to Count VIII. Having considered the Wyndham Defendants' argument, and the record of the announced decisions, the Court finds that its ruling is clear and warrants no further explanation. Accordingly, the Wyndham defendants' motion for clarification as applied to this issue will be denied.

II. CONCLUSION

For the reasons explained above, the Wyndham defendants' motion for clarification will be denied. An appropriate order follows.

ENTERED this 14th day of June, 2005.

For the Court

_____/s/_____
Curtis V. Gómez
District Judge

ATTEST:
WILFREDO MORALES
Clerk of the Court

By:_____/s/_____
Deputy Clerk

Copies to:

Hon. G.W. Cannon
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Mrs. Jackson
Mrs. Schneider
Mrs. Kean
Kim D'Eramo
Jeffrey Corey

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*For defendants Wyndham International Inc., Wyndham
Management Corp., and Sugar Bay Club & Resort Corp.,*

John A. Zebedee, Esq.
St. Thomas, U.S.V.I.
For defendant Bryan Hornby.

ORDER

Gomez, J.

For the reasons stated in the accompanying memorandum of even date, the motion for clarification filed by defendants Wyndham International, Inc., Wyndham Management Corporation, and Sugar Bay Club and Resort Corporation, is hereby **denied**.

ENTERED this 14th day of June, 2005.

For the Court

Curtis V. Gómez
District Judge

ATTEST:
WILFREDO MORALES
Clerk of the Court

By: _____
Deputy Clerk

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Nicholas et al. v. Wyndham International, Inc. et al.
Civil No. 2001-147
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Page 2